



CENTRE FOR
CHILDREN'S
RIGHTS



Inputs on CRC's Concept note for a General Comment on children's rights in relation to the digital environment

Joint submission from The Centre for Human Rights and Citizenship Education of the Dublin City University Institute of Education, The Centre for Children's Rights at Queen's University Belfast as well as Child Rights Connect and its members including Together (Scottish Alliance for Children's Rights).

As the digital environment plays an increasing role in the lives of people in the 21st century, children are not exempt from the risks accompanying this phenomenon. In fact, the latter even face specific risks, including violence, exploitation and abuse just because of being children. It is important however not to be swayed by these new risks into taking an overly protectionist approach¹. The digital environment offers children extraordinary new opportunities – to gain much-needed information at low cost, to engage with affordable educational resources and knowledge, to overcome forms of discrimination or exclusion, to participate and be heard in meaningful decision-making processes, and much more². Indeed, many children use social media and digital technologies to promote their work for the promotion and protection of children's rights, in particular the rights to freedom of expression, access to appropriate information, participation, education, as well as rest, leisure, play, recreational activities, cultural life and the arts.

The 2018 Day of General Discussion (DGD) on Children Human Rights Defenders (CHRD), and its findings from consultations with more than 2695 children from 53 countries confirmed that CHRD are very active in the digital environment. CHRD are children who take action to promote, protect and fulfill their own human rights, or the human rights of their peers or of others, including adults are human rights defenders, even if they do not see themselves as such, or are not considered and called as such by others.

Taking stock of the opportunities provided by the digital environment, Child Rights Connect encourages the Committee on the Rights of the Child to include a strong angle of empowering CHRD. In particular, and in line with the recommendations made on the DGD on 'Digital media and children's rights' held in 2014, and the 2018 DGD on Children Human Rights Defenders, the General Comment should call for equal and safe access to information and communication

¹ Children's Commissioner for England, The Case for a UNCRC General Comment on Children's Rights and Digital Media, Sonia Livingstone, Gerison Lansdown and Amanda Third, LSE Consulting, April 2017, p4

² Ibid.

technologies (ICTs) and for empowering children to benefit from available resources. While many children use the digital environment to get information, share information and socialise, CHRDs are using it to learn about their human rights, to meet and collaborate with others to promote their human rights and the rights of others and to effect change locally and globally. The digital environment provides them with both additional opportunities and challenges that are distinctive to these children. Hence, it will be important for the GC to explicitly address the latter.

Possible structure for the General Comment

I. Introduction

II. Objectives

- Provide States with guidance to adopt and effectively implement comprehensive human rights-based laws and policies which integrate children's access to digital media and ICTs and ensure the full protection under the Convention and its Optional Protocols when using digital media and ICTs;
- Raise awareness of the opportunities afforded by and challenges faced by children in the digital media;

III. The case for a GC on digital media: Include recent data revealing different ages and mode of usages of the digital media across different regions, showing children's lives increasingly have a direct online engagement component and that it is hard to draw the line between online and offline. Mention some of the main opportunities (including empowerment of children human rights defenders), risks and challenges of the digital environment for children.

It would also be important to mention the existing legal/policy frameworks regulating the digital environment such as the Council of Europe's Recommendation CM/Rec(2018)7 on Guidelines to respect, protect and fulfil the rights of the child in the digital environment adopted in July 2018.

IV. General principles of the Convention

- Non-discrimination (article 2): It will be important refer to some of the specific groups that will require particular measures to ensure compliance with Article 2, such as girls (the 2014 DGD report mentioned girls access to ICTs as an important aspect of gender equality, empowerment and economic and social development³), children with disabilities, children in extreme poverty (the DGD report mentioned that ICTs can reduce disparity in education, transform learning culture, engage children in the learning process and contribute to building a capable human capital⁴) and children living in rural and/or remote areas. Other possible groups to mention could be refugees and asylum-seekers and children in institutions.

³ CRC report on the 2014 Day of General Discussion "Digital media and children's rights", paragraph 21.

⁴ Ibid, para 26.

- Best interest of the child (article 3): this principle should be introduced in defining targeted measures to find a balance between empowerment and protection of children, as well how to regulate the media industry, provide the appropriate protection, and how to interpretate confidentiality and privacy rules.
- The right to survival and development (article 6)
- The right to be heard (article 12): has important implications in the digital environment. Some that could be mentioned in the GC are:
 - The enabling and empowerment of children to participate in digital and political citizenship;
 - Children's involvement in the development of legislation and policy concerning digital participation and protection, and other issues
 - The creation of opportunities for social and educational participation

V. States parties' obligations

General measures of implementation (articles 4, 42, and 44 para 6)

- States should adopt a national coordinating framework with a clear mandate and sufficient authority to coordinate all activities related to children's rights and digital media and ICTs at cross-sectoral, national, regional and local levels and facilitate international cooperation. States should also ensure that said coordinating body is provided with the necessary human, technical and financial resources for its effective operation.⁵
- Further research and data collection, including comparative research, to better understand how children engage with ICTs and what their needs and concerns are. This should be carried out with children's engagement and data should be disaggregated by age, sex, geographic location, socioeconomic background and membership to a minority and/or indigenous group, ethnic origin or any other category considered appropriate in order to facilitate analysis on the situation of all children, particularly those in situations of vulnerability⁶.
- Provision of training for all professionals working with and for children, as well as for parents and other caregivers, to enhance their technical skills, inform them about risks and potential harm, learn about how children use technology and be able to support children in using digital media and ICTs in a responsible and safe manner⁷.
- Ratification of the Optional Protocol on the Sale of Children, and implementation of legislation and policy that is relevant;
- Introduction of an effective and child-sensitive complaints mechanism & assistance for children victims of violations that happen in the online environment;

⁵ Ibid, para 88.

⁶ Id, para 89.

⁷ Id, para 95.

- Implementation of mechanisms to ensure regular monitoring of implementation and assessment of legislation and policies for equal access to ICTs and the protection of children. Important for the mechanisms to involve children;
- Importance of appropriate international assistance.

Issues/Groups of rights to be realised in a digital world

Civil rights and freedoms (articles 13, 14, 15, 16 and 17) - it will be important to have empowerment as the main strategy for a safe digital environment and for States to promote the creation of channels for child-led activism as well as educational and recreational content for children of different ages, including content produced by children themselves.

- Access to information and freedom of expression and thought
- Freedom of assembly: the digital environment should be respected and promoted as a space where children can meet, organise, network and socialise and promote their rights
- Protection of privacy, identity and data processing

Violence against children (articles 19, 34, 37(a) and 39)

- Protection from violence, sexual exploitation and other harm: it would be important throughout the General Comment to acknowledge the gender dimension of online violence, abuse and exploitation.

Family environment and alternative care (articles 5 and 18):

- Family environment, parenting and alternative care

Disability, basic health and welfare (articles 23 and 27)

- Health and wellbeing
- Acknowledgement of particular issues for children with disabilities (access and opportunities provided by digital media, as well as potential risks in term of exposure to abuse/exploitation, and the measures (laws-policies) needed to address them). This was not mentioned in the concept note and would be important to include in the GC.

Education, leisure and cultural activities (articles 28, 29 and 31):

- Right to culture, leisure and play
- Right to education and digital literacy

Special issues, special protection (Articles 22, 30, 32, 34, 35, 37, 38 and 39) (maybe also Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography): refugees and asylum seekers, minority groups, children in street situations, children at risk of exploitation, children in armed conflict.

VI. International Cooperation

VII. Dissemination

Findings from Global Consultations with Children

Through the responses from the online consultation for the 2018 Day of the General Discussion key findings in relation to how Children Human Rights Defenders (CHRDs) use digital technologies and interact in the digital environment were identified.⁸

USE OF SOCIAL MEDIA AND DIGITAL TECHNOLOGIES

- Several of the CHRDs that completed the online consultation affirmed that they use social media and digital technologies to promote their work for the promotion and protection of children's rights. According to the responses, the most used platform across regions was Facebook with 51% of children using it followed by Instagram with 31%.
- Despite a general acceptance by CHRDs regarding the use of social media as channels to promote their work, it is worth noting that a significant number of them rely on other kind of media. For instance, 27% of the respondents argued they used newspapers, 33% television and 48% the radio. It is not clear if children used these media channels within the digital environment -for example websites of newspapers or radio programmes streaming online- thus further exploration of this is needed.
- The most common actions for CHRDs when using social media or other online platforms to promote their work involved not only the dissemination of information but also connection with other defenders and creation of valuable resources. For instance, 52% of CHRDs shared photographs of their work, whereas 29% created videos and 12% wrote on blogs. Over a third of the respondents (34%) used the digital environment to manage a group chat or a campaign page as a way to promote their work and 44% used social media to follow issues relevant for them and other campaigns. As Akanksha, a CHRDs from Canada explained during one DGD panels:

“Social media has allowed CHRDs to connect with each other and stay updated on issues that affect children all around the world. [...] It was also very beneficial to me as I was able to read and learn about other opinions, about other defenders around the world”

Akanksha, 15 (DGD Open plenary)

CHALLENGES FOR CHRDs IN THE DIGITAL ENVIRONMENT

- One of the most evident challenges related to the digital environment for CHRDs is access to technology and social media platforms. Some respondents indicated it was a matter of age -they are too young to join social media platforms- and others mentioned general access to technology. Further evidence is needed to understand the barriers to access CHRDs identified and to analyse whether these are related to infrastructure -such as lack of resources- or to individual or organizational capacity - such as knowledge or skills.

⁸ More than 2695 children from all over the world took part in the global consultations. For full report please refer to [Child Human Rights Defenders: The views, perspectives and recommendations of children across the world](#) .

- Another important challenge for the work of CHRDs in the digital environment is related to their safety. Almost a third of the respondents (29%) do not feel safe online due to threats and insults and a significant number shared experiences of how they have been ridiculed, harassed or attacked for their work as HRDs:

“Yes, I was once promoting LGBT+ issues for Muslim youth, when I was messaged by right wing social media users attempting to argue with me and also insulting me over my work and my views.”

- CHRDs suggested several measures to guarantee that the digital environment is a safe place for children working to promote and protect children’s rights. These measures included: accessible mechanisms for reporting aggressions and violence online, stricter laws to protect children from online abuse and compliant law enforcement mechanisms, greater support from adults as well as and the creation of a safe space for CHRDs where they can exchange ideas without been attacked.
- Privacy was another concern CHRDs had in relation to the use of social media and other technologies to promote their work. Several of them mentioned privacy and greater protection of personal data -such as names, ages, etc.- as key aspects for a safer digital environment for CHRDs.

OPPORTUNITIES FOR CHRDs IN THE DIGITAL ENVIRONMENT

- For most respondents (92%), a priority to protecting and empowering CHRDs is related to the development of new ways for children to communicate with politicians and other government bodies. In this sense, the digital environment provides a great opportunity for children to raise their voice on issues that affect their rights and influence the political agenda. Considering that more than a third of the respondents (32%) believed they could express freely online, the digital environment can be an effective platform for CHRDs to exercise their right to participate. Although, as some of the respondents already mentioned, CHRDs would need further support from adults and organizations so they can learn how to use social media safely and effectively for their work.